

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police.
(Amendment)

502 KAR 35:040. Reporting of missing children by law enforcement agencies.

RELATES TO: KRS 17.450, 17.460

STATUTORY AUTHORITY: KRS 15A.160 17.080, 17.450, 17.460

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.450 mandates that the Justice and Public Safety Cabinet shall establish a Kentucky Missing Child Information Center which shall serve as the central repository ~~[Central Repository]~~ of and clearing house for information about Kentucky related missing children. KRS 17.460 mandates that the law enforcement agencies receiving notification of a missing child shall report information relating to that missing person to the Missing Child Information Center in a timely nature. This administrative regulation establishes procedures and time frames associated with the reporting of a missing child.

Section 1. Reporting to the Missing Child Information Center.

(1) A KSP Form 261, "Kentucky ~~[As defined in 502 KAR 35:010(3), a Kentucky]~~ Missing Person's Report Form" shall be ~~[initiated and]~~ completed immediately by a law enforcement agency upon receiving notification from a parent or guardian that a child is missing. This form shall:

(a) Be completed to the fullest extent possible by the law enforcement agency receiving the missing child report; and

(b) The form shall be forwarded to the Missing Child Information Center no later than twenty-four (24) hours after notification was made.

(2) If possible, a current photograph [and a Child Ident Form] will be obtained from the parent, guardian, or, if approved by the parent or guardian, from the school of the missing child. [The Kentucky Missing Persons Report Form shall either be completed by the responsible law enforcement agency or completed to the fullest extent possible with the information available and in all cases will be forwarded to the Missing Child Information Center no later than twenty-four (24) hours after notification by parent or guardian. In the event that the missing child is located prior to forwarding the report form, it is not necessary to forward that report form to the Missing Child Information Center.]

Section 2. LINK/NCIC Entry.

(1) The law enforcement agency receiving the initial report of a missing child shall immediately enter into the Law Information Network of Kentucky "LINK" and the National Crime Information Center ("NCIC") computer criterion information related to the missing child.

(2) ~~[Section 3.]~~ In the event that the reporting agency does not have direct terminal access to NCIC or is not participating in the regional LINK/NCIC Network, it shall be the responsibility of the reporting agency to enter criterion information through the nearest Kentucky State Police Post. Responsibility for [It shall not be the responsibility of said post to assure] the ongoing investigation of the missing child incident[, that responsibility] shall remain with the reporting [submitting] agency and shall not automatically transfer to the Kentucky State Police post that entered the information on behalf of the reporting agency.

Section 3.[Section 4.] As soon as possible, but no later than twenty-four (24) hours after the entry of missing child information, the investigating law enforcement agency shall notify law enforcement agencies having concurrent jurisdiction via electronic or telecommunicative means.

Receiving agencies shall promptly notify agency duty personnel of all information relating to a missing child incident.

Section 4.~~[Section 5.]~~ The Kentucky Missing Person's Web site. The Kentucky Missing Child Information Center shall:

(1) Maintain a public website for missing persons in Kentucky; and

(2) Issue bulletins ~~[issue flyers]~~ containing physical and situational descriptions, or photographs whenever possible, of missing children on the Kentucky Missing Person's Web site. ~~[when requested by a law enforcement agency or when determined by the Kentucky Missing Child Information Center.]~~ Any bulletin that is issued shall contain the following information, at minimum: ~~[Minimum information required before a bulletin flyer may be issued from the Kentucky Missing Child Information Center, shall be:]~~

(a) Reporting agency;~~[.]~~

(b) Case number;~~[.]~~

(c) ORI;~~[.]~~

(d) Date missing;~~[.]~~

(e) Name;~~[.]~~

(f) Address;~~[.]~~

(g) Sex;~~[.]~~

(h) Race;~~[.]~~

(i) Date of birth;~~[.]~~

(j) Height;~~[.]~~

(k) Weight;~~[.]~~

(l) Hair color;~~[.]~~

(m) The most recent photograph providing an adequate likeness; and~~[.]~~

(n) Signature of parent or guardian~~[, officer submitting report, and agency authorization. It shall be the responsibility of the investigating agency to request that a flyer be issued and to submit to the Kentucky Missing Child Information Center all information needed].~~

(3) Bulletins~~[Flyers]~~ will be provided through access to the public Kentucky Missing Person's Web site to all Kentucky law enforcement agencies as defined in 502 KAR 35:010(4) in addition to law enforcement agencies in geographical areas where there is reason to believe the missing child is proceeding to or in the process of being taken to.

Section 5.~~[Section 6.]~~ Cancellation of Missing Child Report. (1) It shall be the responsibility of the law enforcement agency that found or returned the missing child to append the existing LINK/NCIC message by placing a locator message on the entry.

(2) It shall be the responsibility of the reporting agency upon notification and verification that the child has been found, to cancel missing child entries in LINK/NCIC.

(3) The Kentucky Missing Child Information Center shall ~~[may]~~ require information related to the location ~~[finding]~~ or recovery of the missing child to ~~[better]~~ provide statistical information on missing children, as required by 502 KAR 35:050.

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 11:00 a.m. on November 23, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to

attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures and time frames associated with the reporting of a missing child.

(b) The necessity of this administrative regulation: This regulation ensures compliance by setting forth the appropriate standards.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 17.350 requires the Cabinet to establish the Kentucky Missing Child Information Center. This regulation establishes the time frames necessary for implementation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides guidance to law enforcement by updating the defined terms in the Chapter.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will clarify the existing language of the administrative regulation and include requirements for submission.

(b) The necessity of the amendment to this administrative regulation: The previous language was unclear and not completely defined within the relevant sections of the text.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment further clarifies the language of the regulation and the Chapter.

(d) How the amendment will assist in the effective administration of the statutes: The clarified language allows for the relevant agencies to have clear guidance on the administration of the Chapter.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of the Kentucky State Police, and all law enforcement and criminal justice agencies which submit or receive information through the Kentucky Missing Children Information Center.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: The amendment does not require the regulated entities to take any action separate and apart from the previous language of the regulation, instead, the amendment clearly defines the scope of the audit.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: The regulated agencies will have more clearly defined guidance on the scope of the audit, and can more effectively ensure compliance with the applicable regulations and procedures.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment of this administrative regulation does not establish any new fees or increase fees, directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of the Kentucky State Police, and all law enforcement and criminal justice agencies which submit or receive information through the Kentucky Missing Children Information Center.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15A.160, 17.080, 17.450

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.